

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**INFERNAL TECHNOLOGY, LLC,
TERMINAL REALITY, INC.,**

Plaintiffs,

v.

MICROSOFT CORP.,

Defendant.

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CIVIL ACTION NO. 2:18-CV-00144-JRG

ORDER

Before the Court is Defendant Microsoft Corp.’s (“Microsoft”) Motion to Compel Response to Microsoft Corp.’s Interrogatory No. 20. (Dkt. No. 91.) Having considered the Motion and for the reasons set forth herein, the Court is of the opinion that the Motion should be and hereby is **GRANTED**.

Plaintiffs Infernal Technology, LLC and Terminal Reality, Inc. (collectively, “Infernal”) object to Microsoft’s Interrogatory No. 20 to the extent it requires Infernal to prepare claim charts identifying how Infernal’s products (the “Embodying Products”) that it asserts embody the claims asserted in the above-captioned case (the “Asserted Claims”) do in fact meet the limitations of the Asserted Claims. (Dkt. No. 91-1, at 3.) Infernal objects that this request is “unduly burdensome and not proportional to the needs of the case.” (*Id.*) The Court disagrees.

If Infernal wishes to rely on its own Embodying Products to the extent it has indicated at trial, then Infernal ought to provide Microsoft with adequate notice of how those products practice the Asserted Claims. *UltimatePointer, L.L.C. v. Nintendo Co., Ltd.*, No. 6:11-CV-496-LED, 2014 WL 12521379, at *3 (E.D. Tex. June 4, 2014). This request is not unduly burdensome because

Infernal will have to prepare this information for trial in any event, if it wishes to rely on the Embodying Products to the extent stated.

Accordingly, it is **ORDERED** that Infernal shall provide a complete response to Microsoft's Interrogatory No. 20 by providing detailed claim charts showing how its Embodying Products meet the limitations of the Asserted Claims within **sixty (60) days** of the issuance of this Order.

So ORDERED and SIGNED this 28th day of June, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE